

Recent Decisions by the state's Marine Fisheries Commission

At the December 13 business meeting of the Marine Fisheries Commission, many regulatory changes were enacted. Actions were taken on right whale protection, summer flounder quotas, winter flounder recreational limits, quota monitoring notifications, permitting of for-hire vessels used for recreational fishing, and the 2002 northern shrimp season. Most of these issues were aired at the Nov. 27-28 public hearings.

The following regulatory changes will be in effect by January 3, 2002:

1) Right Whale protection and management of fixed gear fisheries.

A) Proposal approved to further restrict all buoy lines for use in Cape Cod Bay Critical Habitat (CCB CH) during winter/early spring by requiring the use of a "weak buoy link" that would part at pull pressures of between 150 and 500 lbs. DMF will publish a list of approved weak links based on existing federal standards and innovations by Cape Cod Bay fishermen.

B) Proposal approved to ban the use of floating groundlines (between pots) year-round in CCB CH beginning in 2003 and then extend the ban to the waters west of the Critical Habitat along the shoreline south of Brant Rock beginning in 2004.

C) Proposal approved to amend the regulations pertaining to "breakaway" features used in areas and times beyond Cape Cod Bay Critical Habitat during winter/early spring. These changes complement federal regulations consistent with the federal Take Reduction Plan.

D) Proposal approved to shorten the winter/early spring season by 15 days when the most restrictive rules apply. The most restrictive period in Cape Cod Bay is now January 1- April 30. This change was enacted because the DMF Right Whale Surveillance and Monitoring Program has shown nearly all right whales leaving Cape Cod Bay during April for the past five years.

E) Proposal approved to close a 5-square mile area off the Plymouth shoreline to gillnetting during January - April. This area is west of the Right Whale Critical Habitat, and has reportedly attracted effort from ports north of Boston since during January-April because it is the only nearshore waters open to gillnetters from Marblehead to Plymouth.

Three proposals were not approved by the Commission:

- The Commission did not approve a proposal for "Dynamic Management" where DMF would be required to close Cape Cod Bay to all gillnetters within 48 hours whenever 3 or more right whales were sighted within an 8 mile diameter circle during the period May - December. Gillnetters would have had the option to "tend" their nets - staying with the gear and bringing the gear home at the end of the trip. (Note: Similar proposals are being considered at the federal level for all waters of the northeast U.S. If those proposals are enacted, the federal rules would supercede state rules and apply to all commercial fishermen in state waters.)

- The Commission did not approve a new unique gear marking scheme for gillnetters to allow one to identify the gear type from other fixed gear (pots, trap) based on the surface markers. The proposal would have required fishermen to paint the poles and radar reflectors with the color yellow. DMF will resubmit this proposal to the Commission after working with commercial fishermen's groups to improve the proposal.

- The Commission did not approve the DMF recommendation to require in 2005 that the winter-time rules in Cape Cod Bay regarding fixed gear restrictions be applied year-round.

The other actions taken by the Commission were:

2) Approved the DMF proposal to increase the winter/spring summer flounder trip limits from 500 to 1,000 lbs. and drop the possession limit to 100 lbs. when 75% of winter/spring annual quota is reached.

(3) Approved the DMF recommendations to approve the petition from the Cape Cod Salties Sportfishing Club to modify winter flounder recreational fishing rules. The 2-month (March -April) recreational fishing closure was changed to a 3-fish bag limit per angler and the bag limit during the rest of the year (May - February) was lowered from 10 to 8 fish.

(4) Approved the DMF proposal to establish a new special permit required by any individual who owns or operates vessel(s) engaged in recreational fishing on a for-hire basis. The special permit will cost \$10 and will be available March 01, 2002. This permit will not be needed by individuals hired to guide fishing parties from shore or by individuals hired to guide fishing parties aboard privately owned vessels. DMF will require applicants to possess a US Coast Guard Captain's license to qualify for this permit. Three permit classes will be sold: (A) Head Boat: Issued to vessels carrying seven or more paying customer; (B) Charter Boat . Issued to vessels carrying three to six paying customers; and (3) Guide Boat: Issued to vessels carrying up to two paying customers.

Under the permit conditions, Charter and Guide Boat operators will be held responsible for compliance with fishing regulations. Head-boat operators would be required to clearly communicate to all paying passengers prior to beginning of fishing activity the trip's intended target species, the trip limits for those species, and the size limits for those species. Vessel operators must post the current recreational fishing regulations for all target and by-catch species in a place visible to all passengers and provide dedicated areas and measuring devices where passengers can easily measure their catch.

(5) Approved the DMF proposal to amend regulations governing how the agency transmits information about quota-managed fishery closures. This action shifts DMF's energies to communicate quotas and closure updates from traditional mailings to newer technologies: phones, faxes, and Internet service to ensure fishermen and dealers receive and have access to quota updates on a real-time basis. This change responds to increasing criticisms DMF has received for failing to notify industry about the status of quotas and imminent closures.

The new dial-in phone system has been purchased and will be fully functional in early 2002. Callers will have 24-hour access to DMF's Statistics Program updates through the phone system and the Internet. Callers will be able to navigate through menus using a touch tone phone to get information about quota-managed fishery totals with forecasts of closures when applicable. DMF would continue to use e-mail service to notify any interested parties about imminent closures and would fax a notice to all authorized dealers.

(6) Approved a 25-day (February 15 - March 11) northern shrimp season for 2002. This season was set by the Atlantic States Marine Fisheries Commission and constitutes a 59% reduction over last year. A decline in the stock warranted this conservation measure.